

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION

CHRISTOPHER T. WELLIVER,

Petitioner,

vs.

ROGER BODINE; ATTORNEY
GENERAL OF THE STATE OF
MONTANA,

Respondents.

CV 20-169-BLG-SPW

ORDER ADOPTING
MAGISTRATE'S FINDINGS
AND RECOMMENDATIONS

The United States Magistrate Judge filed Findings and Recommendations on January 4, 2021. (Doc. 5). The Magistrate recommended: Welliver's Petition (Doc. 1) be denied; that the Clerk of Court be directed to enter judgment in favor of Respondents; and that a certificate of appealability be denied. (Doc. 5 at 6-7).

Pursuant to 28 U.S.C. § 636(b)(1), parties are required to file written objections within 14 days of the filing of the Magistrate's Findings and Recommendation. No objections were filed. When neither party objects, this Court reviews the Magistrate's Findings and Recommendation for clear error.

McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc., 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a "definite and firm conviction that a mistake has been committed." *United States v. Syrax*, 235 F.3d

422, 427 (9th Cir. 2000). After reviewing the Findings and Recommendation, this Court does not find that the Magistrate committed clear error.

IT IS ORDERED that the proposed Findings and Recommendations entered by the United States Magistrate Judge (Doc. 5) are ADOPTED IN FULL.

IT IS FURTHER ORDERED

1. Welliver's Petition (Doc. 1) is DENIED;
2. The Clerk of Court shall enter judgment in favor of the Respondents and against Petitioner; and
3. A certificate of appealability shall be DENIED.

DATED this 25th day of January, 2021.



SUSAN P. WATTERS
United States District Judge